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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 09/898,633 | 07/02/2001 | Ronald P. Schmidt | TA-00519 | 2321 8 |
| 7590 | 10/02/2003 | | | EXAMINER |
| James E. Bradley BRACEWELL & PATTERSON, LLP Suite 2900 711 Louisiana Street Houston, TX 77002-2781 | | | | CHAN, SING P |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1734 | |
| | | | DATE MAILED: 10/02/2003 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------|--------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/898,633 | SCHMIDT, RONALD P. |
| Examiner Sing P Chan | Art Unit 1734 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) 3,14 and 21-23 is/are allowed.
 6) Claim(s) 1,2,4-13 and 15-19 is/are rejected.
 7) Claim(s) 20 is/are objected to.
 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 02 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 4, 5, 8, 9, and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by Wanthal et al (Interlaminar reinforce Composites Development For Improved Damage Tolerance).

Regarding claims 1, 4, 9, and 12, Wanthal et al discloses a method of bonding a 3-D “pi” textile preform to form joints. The method includes provide a 3-D “pi” textile preform, i.e. a base with two legs, infused with resin and staged, the base of the preform is placed on a debulked lay-up, the web is inserted into the clevis and the assembly is bagged and cured. (Page 13, lines 9-22)

Regarding claim 5, the components jointed by using the “pi” textile preform in Wanthal et al is perpendicular to the each other. (Figure 8)

Regarding claim 8, Wanthal et al discloses the preform is a dry material. (Page, lines 27-29)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wanthal et al (Interlaminar reinforce Composites Development For Improved Damage Tolerance) in view of Derujinsky (U.S. 4,900,048).

Wanthal et al is silent as to the adhesive have a tensile strength less than 6500 pounds per square inch. However, one in the art would appreciate that any adhesive with a tensile strength less than 6500 pounds per square inch can be used to bond the joints together and such adhesive are well known and conventional as shown for example by Derujinsky. Derujinsky discloses a method for forming a seamless composite bicycle frame. The method includes impregnating cloth, i.e. textile, with an epoxy composition with a tensile strength of about 6000 pounds per square inch. (Col 5, lines 24-53)

It would have been obvious to one skilled in the art at the time the invention was made to provide an adhesive with a tensile strength of less than 6500 pounds per square inch as disclosed by Derujinsky in the method of Wanthal et al to provide a joint to adequately resist stresses without failure and keeping the material and weight of the joint at a minimum.

5. Claims 6, 7, 10, 11, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wanthal et al (Interlaminar reinforce Composites Development For Improved Damage Tolerance) in view of Bersuch et al (3-D Composite in Primary Aircraft Structure Joints).

Regarding claim 6, Wanthal et al is silent as to orienting the components parallel to each other. Bersuch et al discloses the components are oriented parallel to each other in some 3-D joints. (Figure 1)

It would have been obvious to one skilled in the art at the time the invention was made to orient the components in any position such as parallel direction as disclosed by Bersuch et al in the method of Wanthal et al to allow the components to be properly mounted.

Regarding claim 7, Wanthal et al is silent as to fastening the other components to the preform using fasteners. However, using fastener to fasten components to the preform is well known and conventional as shown for example by Bersuch et al. Bersuch et al disclose using fasteners to mount other components to the preform. (Figure 4)

It would have been obvious to one skilled in the art at the time the invention was made to mount other components to the preform using fasteners as disclosed by Bersuch et al in the method of Wanthal et al to provide an increase in the durability of the damage tolerance of the structure.

Regarding claim 10, Wanthal et al is silent as to the preform has a thickness of at least textile layers. However, providing a preform with at least two textile layers is well known and conventional as shown for example by Bersuch et al. Bersuch et al discloses the preform is form by passing Z-fibers through the layers of the fabrics.

(Page 4, Col 1, line 11 to Col 2, line 3)

It would have been obvious to one skilled in the art at the time the invention was made to provide the preform with at least two or more textile layers as disclosed by Bersuch et al in the method of Wanthal et al to provide a preform with improved interlaminar shear strength.

Regarding 11, 15, and 16, Wanthal et al does disclose placing the preform and components into a bag and cured. (Page 13, lines 13) Wanthal et al is silent as to applying a vacuum to the bag and applying forces to the preform and components during curing. Bersuch et al discloses applying vacuum and pressure to the preform and components during curing. (Figure 2)

It would have been obvious to one skilled in the art at the time the invention was made to provide a vacuum bag and applying a pressure across the outer surface of the preform as disclosed by Bersuch et al in the method of Wanthal et al to provide a smooth and uniform joint.

6. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wanthal et al (Interlaminar reinforce Composites Development For Improved Damage Tolerance) in view of Sheahen et al (Robust composite Sandwich Structures) and Derujinsky (U.S. 4,900,048)

Regarding claim 17, Wanthal et al discloses a method of joining two components together using a 3-D preform. The method includes providing a T-shape preform, infusing the preform with adhesive, and a tool coated with release agent was used to maintain the geometric shape, and placing the preform and components in a bag and autoclave to cure. (Page 7, lines 1-5 and Page 13, lines 7-22) Wanthal et al is silent as to the

adhesive has a tensile strength of less than 6500 pounds per square inch and securing the other components to the leg of the preform with a fastener. Sheahen et al discloses method of forming joints with preforms. The method includes using a fastener to mount other components to the leg of the preform. (Page 7, Col 1, lines 36-47 and Figure 5)

It would have been obvious to one skilled in the art at the time the invention was made to mount other components with fasteners to the preform as disclosed by Sheahen et al in the method of Wanthal et al to provide a strong and secure mounting for high load requirement. Sheahen et al is silent as to the adhesive has a tensile strength of less than 6500 pounds per square inch. However, one in the art would appreciate that any adhesive with a tensile strength of less than 6500 pounds per square inch can be used to form the joints. For example, Derujinsky discloses a method for laminating plastic core. The method includes impregnating cloth, i.e. textile, with an adhesive composition with a tensile strength of about 6000 pounds per square inch. (Col 5, lines 26-53)

It would have been obvious to one skilled in the art at the time the invention was made to provide an adhesive with a tensile strength of less than 6500 pounds per square inch as disclosed by Derujinsky in the method of Wanthal et al to provide a joint to adequately resist stresses without failure and keeping the material and weight of the joint at a minimum.

Regarding claims 18 and 19, Wanthal et al discloses using a tool coated with release agent to maintain the geometric shape, which would distribute the inward force across the preform. (Page 13, lines 12-13)

Allowable Subject Matter

7. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 3, 14, and 21-23 are allowed.

The following is an examiner's statement of reasons for allowance and reason for indicating allowable subject matter: The claims recite a method for bonding two components. The method includes providing a woven fabric preform, infusing the preform with an adhesive with a peel strength greater than 15 pounds per linear inch, adhering one surface of the preform to one surface of the component, curing the adhesive and attaching the second components to the preform. Wanthal et al discloses a method of bonding a 3-D "pi" textile preform to form joints. The method includes provide a 3-D "pi" textile preform, i.e. a base with two legs, infused with resin and staged, the base of the preform is placed on a debulked lay-up, the web is inserted into the clevis and the assembly is bagged and cured. (Page 13, lines 9-22) However, Wanthal et al does not disclose infusing the preform with a resin with a peel strength greater than 15 pounds per linear inch. Derujinsky discloses a method forming a seamless composite bicycle frame. The method includes impregnating cloth, i.e. textile, with an epoxy composition with a tensile strength of about 6000 pounds per square inch. (Col 5, lines 24-53) However, Derujinsky does not disclose the adhesive has a peel strength greater than 15 pounds per linear inch. A search of the prior art of record did not disclose reference or references with the recited feature.

Response to Arguments

9. Applicant's arguments filed July 22, 2003 to claims 1 and 17-19 have been fully considered but they are not persuasive.
10. Applicant's argument with respect to claims 2 and 17 has been considered but is moot in view of the new ground(s) of rejection.
11. In response to applicant's argument that the Wanthal et al is not prior art, Wanthal et al presented the paper to those in the art most concerned with the claimed subject matter. Furthermore, there is no evidence the selected group attending the conference had signed a non-disclosure statement. As the people attending are those most concerned with the claimed subject matter, the disclosure at the conference is considered to be disclosure to the public and, as such, the invention was known by others in this country.
12. In response to applicant's argument that Wanthal et al does not disclose an adhesive the examiner must interpret the claim in the broadest meaning, which includes any resin or adhesive can be used. The examiner depended on Wanthal et al to provide the teaching of providing a preform, infusing the preform with a resin and stage the resin to a B-stage state, locating the preform onto the debulked, IM7/977-3 prepreg tape lay-up, and curing the resin, (Page 13, lines 9-13) where the B-stage state of the resin is not fully cured, but remained tacky and capable of wetting and flowing into depressions as shown for example by Delgadillo (U.S. 4,091,125). Delgadillo teaches thermoplastic resin can be heated to a temperature below the curing temperature, i.e.

B-stage range, where the resin assumed a softened tacky condition and capable of wetting and flowing into depressions. (Col 4, lines 42-53)

In response to applicant's argument of Bersuch does not disclose infusing a preform with an adhesive, the examiner depends on Bersuch to provide the teaching of attaching a second component perpendicular to the first component, where Wanthal et al provided the teaching of infusing a preform with resin, which serve as an adhesive. The combination of Wanthal et al and Bersuch discloses applicant's invention.

In response to applicant's argument of Sheahen does not disclose infusing a preform with an adhesive, the examiner depends on Sheahen to provide the teaching of using a fastener to secure the other components to the preform, where Wanthal et al provided the teaching of infusing a preform with resin, which serve as an adhesive. The combination of Wanthal et al, Sheahen, Bersuch, and Derujinsky discloses applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P Chan whose telephone number is 703-305-3175. The examiner can normally be reached on Monday-Friday 7:30AM-11:15AM and 12:15PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Chan Sung B
spc

R. Crispino
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